

## SUBCHAPTER I—VOLUNTARY INSPECTION AND CERTIFICATION SERVICE

### PART 156—VOLUNTARY INSPECTION AND CERTIFICATION SERVICE

#### Sec.

- 156.1 Meaning of words.
- 156.2 Definitions.
- 156.3 Kind of service; records.
- 156.4 Application for service.
- 156.5 Availability of service.
- 156.6 Certificates.
- 156.7 Fees and charges, including user fees under 9 CFR part 130.
- 156.8 Refusal of service; denial or withdrawal of service.

AUTHORITY: 7 U.S.C. 1622 and 1624; 21 U.S.C. 136a; 7 CFR 2.22, 2.80, and 371.4.

SOURCE: 23 FR 10111, Dec. 23, 1958, unless otherwise noted.

#### § 156.1 Meaning of words.

Words used in this part in the singular form shall import the plural, and vice versa, as the case may demand.

#### § 156.2 Definitions.

For the purposes of this part, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

*Administrator.* The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

*Animal product.* Anything made of, derived from, or containing any material of animal origin.

*Applicant.* Any person who requests service under this part.

*Cooperative agreement.* An agreement, between the Department and some other Federal or State agency, board of trade, chamber of commerce, or other agency, association, organization, person, or corporation as provided for in section 205 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1624), to conduct cooperatively service under this part.

*Department.* The United States Department of Agriculture.

*Inspector.* Any officer or employee of the Department of cooperating agency authorized to perform any duties under

a cooperative agreement at any plant furnished service under this part.

*Inspector in charge.* An inspector of the Department assigned by the Administrator to supervise, review, and perform official work pertaining to a plant furnished service under this part.

*Person.* Any individual, corporation, company, association, firm, partnership, society, joint stock company, or other form of organization.

[23 FR 10111, Dec. 23, 1958, as amended at 57 FR 30899, July 13, 1992; 62 FR 19040, Apr. 18, 1997]

EFFECTIVE DATE NOTE: At 72 FR 70766, Dec. 13, 2007, §156.2 was amended by removing the definition of *cooperative agreement* and in the definition of *inspector*, by removing the words “under a cooperative agreement”, effective Jan. 14, 2008.

#### § 156.3 Kind of service; records.

Laws, regulations or other requirements of foreign countries and specifications of contracts for the purchase and sale of animal products, on occasion require vendors of such products to furnish official certificates concerning the class, quality, quantity, or condition of such products to be imported into such countries or to be delivered under the contracts. The service under this part, shall consist of the inspection of the processing, handling, and storage of the products at any plant at which service is furnished and the certification, on the basis of such requirements of foreign countries or such contract specifications, of the class, quality, quantity, or condition of such of the products as are found to conform to such requirements or specifications as the case may be. Processing procedures will be actually supervised. The operator of the plant shall fully inform the inspector with respect to, and the inspector shall actually observe, the processing procedures, handling, and storage of the products intended for certification. The inspector shall keep such records of the temperatures reached, the duration of time the temperatures are maintained, and the pounds of pressure

under which the products are cooked in the course of processing, and such other information, as are needed to justify the issuance of the certificates required.

[23 FR 10111, Dec. 23, 1958, as amended at 62 FR 19040, Apr. 18, 1997]

#### **§ 156.4 Application for service.**

Any person who is eligible under a cooperative agreement to receive service under this part may apply therefor to the Administrator, upon an application form which will be furnished by the Administrator upon request. The application form shall require the applicant to state, among other things, the forms of certificates desired.

(Approved by the Office of Management and Budget under control number 0579-0008)

[23 FR 10111, Dec. 23, 1958, as amended at 48 FR 57473, Dec. 30, 1983; 57 FR 30899, July 13, 1992]

EFFECTIVE DATE NOTE: At 72 FR 70766, Dec. 13, 2007, § 156.4 was amended by removing the words “under a cooperative agreement”, effective Jan. 14, 2008.

#### **§ 156.5 Availability of service.**

Subject to § 156.8, service under this part will be furnished, upon application, within the limits of available Department personnel and facilities, at any plant the operator of which applies for or endorses the application for the service if the Administrator finds that: the forms of certificates desired by the applicant require the certification of class, quality, quantity, or condition; the plant and its methods of processing, handling and storage of the products intended for certification are adequate to warrant the issuance of the desired certificates; service is to be furnished under a cooperative agreement; and the requirements of § 156.7 are met.

[23 FR 10111, Dec. 23, 1958, as amended at 57 FR 30899, July 13, 1992; 62 FR 19040, Apr. 18, 1997]

EFFECTIVE DATE NOTE: At 72 FR 70766, Dec. 13, 2007, § 156.5 was amended by removing the words “service is to be furnished under a cooperative agreement;” and adding the words “the requirements of part 130 of this title are met;” in their place, effective Jan. 14, 2008.

#### **§ 156.6 Certificates.**

The inspector shall sign and issue certificates in forms approved by the Administrator for animal products, if the inspector finds that the requirements as stated in the certification have been met. The original and one copy of each certificate shall be furnished to the applicant, and one copy of each certificate shall be retained by the Department until disposal is authorized in accordance with law. Additional copies may be furnished the applicant at his request upon payment of the fees prescribed in § 156.7. Copies of the certificates may be furnished without charge to other properly interested Federal agencies or under compulsory process.

[23 FR 10111, Dec. 23, 1958, as amended at 57 FR 30899, July 13, 1992; 62 FR 19040, Apr. 18, 1997]

#### **§ 156.7 Fees and charges, including user fees under 9 CFR part 130.**

Fees and charges, and user fees under 9 CFR part 130, for service (including travel and other expenses incurred in connection with the furnishing of service) under this part shall be paid by the applicant in accordance with the terms of the cooperative agreement under which service is furnished and in accordance with this section which shall be deemed to be incorporated in such agreement. If required by the Administrator, the fees and charges, and user fees under 9 CFR part 130, shall be paid in advance. Since the fees and charges, and user fees under 9 CFR part 130, are for the purpose of reimbursing the Department for all costs incurred in connection with the furnishing of service under this part, the appropriate fees and charges, and user fees under 9 CFR part 130, to cover any such costs shall be paid even though service is withheld pursuant to § 156.8.

[23 FR 10111, Dec. 23, 1958, as amended at 58 FR 67656, Dec. 22, 1993]

EFFECTIVE DATE NOTE: At 72 FR 70766, Dec. 13, 2007, § 156.7 was revised, effective Jan. 14, 2008. For the convenience of the user, the revised text is set forth as follows:

#### **§ 156.7 User fees under 9 CFR part 130.**

User fees under part 130 of this chapter for service (including travel and other expenses incurred in connection with the furnishing of